

MHLA160007772024



RCS No.233/2024

Pralhad Vs. Rajkumar

-:: ORDER BELOW EXH.17 ::-

Perused application and say. Heard both sides.

2. Defendant Nos.1 to 7 have preferred application to condone the delay in filing written statement and seeking permission to file written statement contending that, the defendants appeared on 20/01/2025 as per the court order and was given time till 07/04/2025 to file their written statement on the defendant's application. However, the defendants were unable to file their written statement as the presiding officer was on leave on 07/03/2025. There has been a delay in filing the written statement of the said defendants. Therefore, it is prayed that defendants be allowed to file written statement and delay caused be condoned in the interest of justice.

3. Plaintiff strongly objected the application contending that the defendants deliberately did not file a written statement in this case within the time limit and the reason given in the application is false. Despite being given several opportunities, the defendant did not file a statement within the time limit. Hence prayed to reject the application with heavy costs.

4. Perused record. Record shows that, defendants appeared on 20/01/2025. However considering the date of appearance of the defendants they were expected to file written statement within 30 days from the date of service of summons however they failed to do so.

Therefore considering the reasons and objection raised by the plaintiffs in order to decide the suit on merit, application needs to be allowed. In the interest of justice, delay needs to be condoned and defendants needs to be allowed to file their written statement subject to reasonable costs. Hence, following order.:

-:: ORDER ::-

- 1) Application at Exh.17 is allowed.
- 2) Delay is condoned, deemed No W.S. Order is set aside and defendant Nos.1 to 7 are allowed to file their written statement subject to cost of Rs.1,000/- (Rupees One thousand only) to be payable to the other side.

Date : 07/04/2025.

(A. P Kholam)
Civil Judge Junior Division,
Deoni.